

H. B. 1898

By Lisa Guerrero

A BILL TO BE ENTITLED

AN ACT

relating to the declaration of regulated groundwater basins and the adjudication of groundwater rights.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 11, Water Code, is amended by adding a new Section 11.006 to read as follows:

Sec. 11.006. COORDINATED MANAGEMENT OF GROUND AND SURFACE WATER. (a) The legislature finds and declares that it is necessary to the health, safety, and welfare of the people of this state to encourage the coordinated management of surface water and groundwater resources.

(b) For any underground water management area as defined by Section 52.024 of this code, whenever it appears to the commission that groundwater and surface water are hydrologically connected and that excessive use of groundwater threatens to interfere with surface water rights, the commission may hold a hearing to determine whether the policy stated in Subsection (a) of this section should be implemented.

(c) If after the hearing the commission determines that limitations on groundwater rights are necessary or desirable in order to protect surface water rights and insure the greatest beneficial use of state waters, the commission may enter an order declaring the area a regulated groundwater basin.

(d) Groundwater rights in a regulated groundwater basin may be adjudicated under Subchapter G of this chapter.

SECTION 2. Section 11.021, Water Code, is amended to read as follows:

(a) The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state is the property of the state.

(b) Water imported from any source outside the boundaries of the state for use in the state and which is transported through the beds and banks of any navigable stream within the state or by utilizing any facilities owned or operated by the state is the property of the state.

(c) For the purposes of this chapter, groundwater in a regulated groundwater basin shall be treated in the same manner as state water.

SECTION 3. Chapter 11, Water Code, is amended by adding a new Section 11.3041 to read as follows:

Sec. 11.3041. ADJUDICATION OF RIGHTS IN A REGULATED GROUND-WATER BASIN. (a) The groundwater rights in any area which has been declared a regulated groundwater basin under Section 11.006 of this code may be adjudicated on the commission's motion or on petition of the executive director.

(b) A claim to a groundwater right shall be recognized as valid only to the extent of maximum actual application of water to beneficial use without waste during the three calendar years preceding a notice of adjudication filed under Section 11.306 of this chapter; provided, however, that a municipality may claim addition rights based on anticipated needs in the next ensuing ten-year period.

SECTION 4. Section 11.307, Water Code, is amended to read as follows:

(a) Every person claiming a water right of any nature, except for domestic or livestock purposes, from the stream or segment under adjudication shall file a sworn claim with the commission within the time prescribed in the notice of

adjudication, including any extensions of the prescribed time, setting forth:

- (1) the name and post-office address of the claimant;
- (2) the location and nature of the right claimed, including a description of any permit or certified filing under which the claim is made;
- (3) the purpose of the use;
- (4) a description of the works and irrigated land; and
- (5) all other information necessary to show the nature and extent of the claim.

(b) The commission shall prescribe forms for claims, but use of the commission forms is not mandatory.

(c) Claims for groundwater rights shall include information regarding the date wells were drilled and the amounts of water used in each of three prior calendar years based upon actual metered measurement, energy consumption records, or other reasonable methods of estimating flow approved by the commission, such as type of crop and acreage irrigated or manufacturing production.

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MAR 12 1987

1. Filed with the Chief Clerk.

MAR 23 1987

2. Read first time and Referred to Committee on

3. Reported ____ favorably (as amended) (as substituted) and sent to Printer at _____

4. Printed and distributed at _____

5. Sent to Committee on Calendars at

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ years, _____ days, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by _____
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

8681